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BY ECF

The Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: *Robert N. Sama v. The Federal Reserve Bank of New York*
20-CV-10450 (VEC)

Dear Judge Caproni:

The parties write jointly, pursuant to Your Honor's Individual Rules, to request an extension of the time allotted for fact discovery. As of today, the parties have exchanged discovery demands, conducted meet and confers regarding the production of e-discovery, and are finalizing a proposed protective order that will be submitted to the Court shortly. However, due to issues discussed herein, it has become apparent to the parties that additional time will be necessary to complete fact discovery. The parties have conferred and jointly propose an extension of six months and adjournment of the August 6, 2021 conference. This is the parties' first request for an extension of discovery.

An extension is necessary because of the following complications that have arisen. First, Plaintiff's counsel does not have information security controls on its systems that the Federal Reserve Bank of New York ("New York Fed"), the operating arm of the nation's central bank, has requested, so the parties are currently discussing measures to enable the secure production of certain sensitive, non-public ESI that may be responsive to Plaintiff's discovery requests. In addition, due to the COVID-19 pandemic, the majority of the New York Fed's employees have been working remotely since March 2020, with only a skeleton on-site presence. For COVID-related reasons the New York Fed will continue operating in this remote environment through at least Labor Day. As a result, there are hard copy documents at the New York Fed's offices that may be responsive to Plaintiff's document requests that cannot be accessed and reviewed by Defendant's counsel until at least September 2021. Once the parties can complete their document productions, they expect to conduct depositions in the fall of 2021, allowing sufficient time to

account for the Jewish holidays, scheduled Federal Open Market Committee meetings, and other obligations of senior New York Fed leadership whose depositions have been requested. Moreover, the New York Fed anticipates filing a motion for a protective order regarding Plaintiff's Notice of Deposition, dated July 1, 2021, directed to its President John Williams.

For the foregoing reasons, the parties jointly propose the following schedule:

- Joint status letter due by: **October 27, 2021**
~~December 2, 2021~~
- All fact discovery completed by: **October 29, 2021**
~~December 10, 2021~~
- Next pretrial conference: **November 5, 2021, at 10:00 a.m.**
~~December 17, 2021 at 10:00 a.m.~~
- All expert discovery completed by: **December 13, 2021**
~~January 24, 2022~~

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Carla Sanderson

Carla Sanderson

/s/ Michael Cornacchia

Michael Cornacchia

Attorneys for the Plaintiff

LITTLER MENDELSON P.C.

/s/Jean L. Schmidt

Jean L. Schmidt

James F. Horton

Attorneys for the Defendant

Application GRANTED in part. All discovery deadlines are extended by three months, as set forth in the Court's amended schedule above. Given the widespread availability of several highly effective COVID vaccines since Spring 2021, absent extraordinary personal circumstances, the Court will no longer accept COVID as a blanket excuse to adjourn discovery deadlines for six months.

SO ORDERED.



7/2/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE